



Utah!

Where ideas connect

Department of Environmental Quality
Office of the Executive Director

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

William J. Sinclair
Deputy Director

168 North 1950 West
P.O. Box 144810
Salt Lake City, Utah 84114-4810
(801) 536-4400
(801) 536-0061 Fax
(801) 536-4414 T.D.D.
www.deq.utah.gov

Bert Garcia

SDMS Document ID



2008016

August 28, 2003

Max H. Dodson, Assistant Regional Administrator (8EPR)
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 300
Denver, Colorado 80202-2466

Dear Mr. Dodson:

The Utah Department of Environmental Quality (UDEQ) understands that the U. S. Environmental Protection Agency ("EPA") has identified three properties in Eureka City, Juab County, Utah as being necessary for it to purchase in order to implement the remedy as described in the Record of Decision ("ROD") for the Eureka Mills Superfund site. Legal descriptions of the three properties and a location map are included as Attachments A and B, respectively, to this letter. These three properties are located outside the fund-lead portion (Operable Unit OU2) of the project. The UDEQ further understands that Eureka City has agreed by letter (dated July 24, 2003 and attached as Attachment C) to accept title to all three properties at the completion of the remedial action contemplated by the ROD and that EPA will use its best efforts to effect such a transfer of title to said three properties to Eureka City or another person or entity prior to completion of the remedial action.

The UDEQ requests that EPA's interest in any or all of the three properties be conveyed directly from the EPA to Eureka City or another person or entity prior to completion of the remedial action. However, if EPA is unable to complete such a transfer of title, UDEQ hereby provides assurance to the EPA as required by CERCLA Section 104(j)(2) that it will, upon completion of the remedial action, accept transfer of the EPA's interest in any of the three properties which EPA has been unable to transfer to Eureka City or some other person or entity.

Best regards,

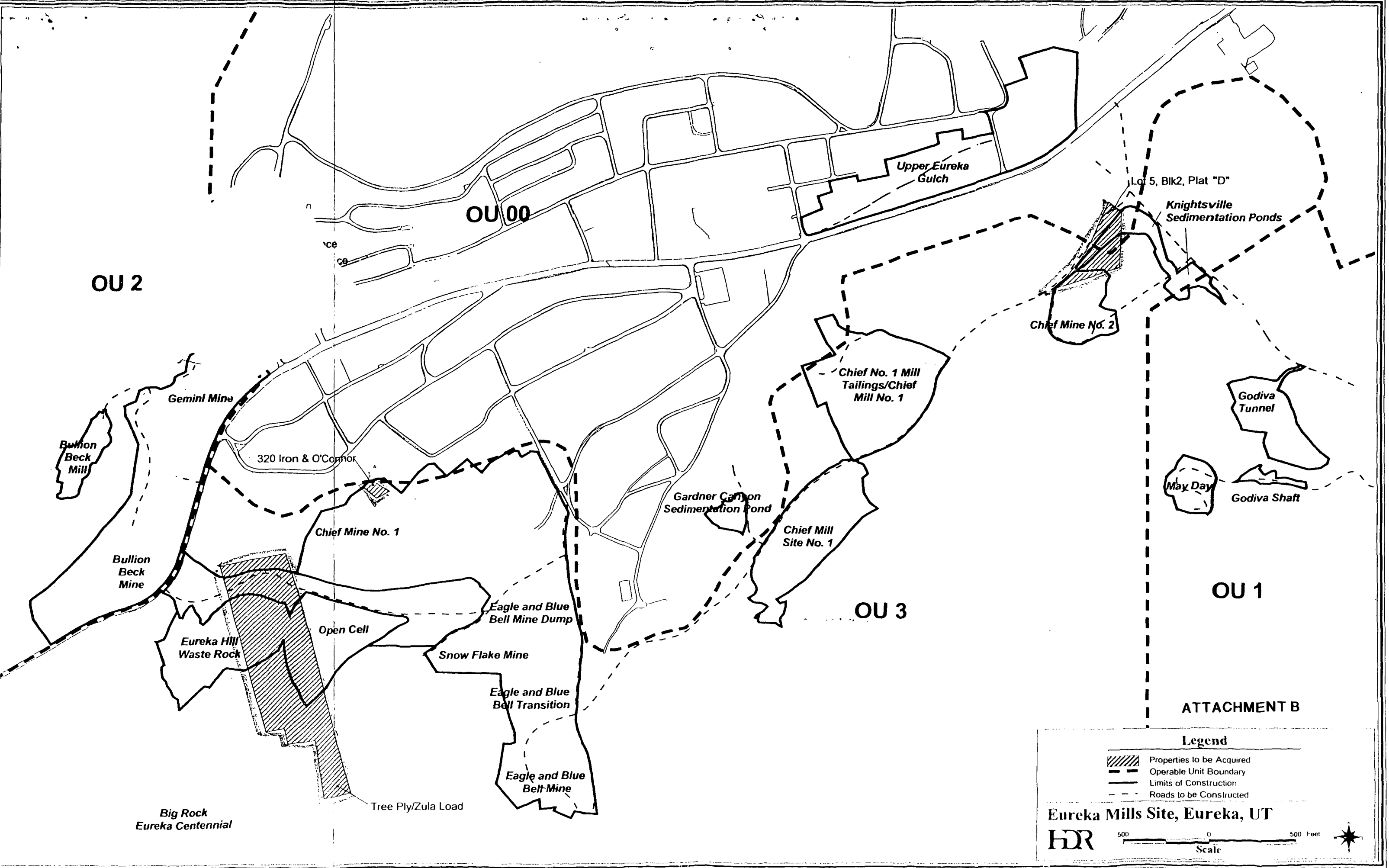
Dianne R. Nielson, Ph.D.
Executive Director

Attachments (3)

c: Brad T Johnson, Director
Division of Environmental Response and Remediation, UDEQ

ATTACHMENT A

#	Location Address	Mailing Address	First Name	Last Name	City	State	Postal Code	Home Phone	Parcel Description
1	SE 1/4, Section 13, T10S, R3W: three ply (Amd.) lode, lot # 95, 4.28 ac.; Zula lode, lot # 99, 5.88 ac.		Vivian	Olsen	Colorado Springs	Co			Three Ply, Lot 95, and Zula, Lot 99, embracing a portion of Sections 13 and 24, Township 10 South, Range 3 West, Salt Lake Meridian
2	320 W Iron and O'Connor	3892 W 4000 N	Ray	Pratt (Putnam)	Cedar City	UT	84720	(435) 867-1434	Parcel No. XE-4797: Lot 29, Block 5, Plat "A" of the Eureka City Survey
3									Parcel No. XD-5458-11: Beginning South 24° 56' East 611.27 feet from the Northwest corner of Lot 5, Block 2, Plat "D" of the Eureka City Survey, thence South 89° 45' East 324.58 feet, thence North 70° 54' East 711.17 feet, thence North 0° 15' West 303.23 feet, thence North 37° 51' West 94.61 feet, thence South 58° 17' West 156 feet, thence South 21° 8' West 105 feet, thence 30° 17' West 282.70 feet, thence North 27° 07' West 33.38 feet, more or less, to a fence line, thence South 34° 47' West 50.40 feet, more or less, along a fence line thence North 23° 02' West 190.82 feet along a fence line, thence South 58° 17' West 167.55 feet, thence North 24° 56' West 15.11 feet, thence South 70° 00' West 200.755 feet, thence North 24° 56' West 265 feet, thence North 71° 00' East 1.22 feet, thence North 24° 56' West 100 feet, thence South 71° 39' West 100 feet, thence North 24° 56' West 37.94 feet, thence South 72° 58' 25" West 10.96 feet, thence North 14° 46' 19" West 61.52 feet to the North line of Lot 5, Block 2, Plat "D" of the Eureka City Survey, thence South 71° 39' West 50 feet along the North line of Lot 5, Block 2, Plat "D" of the Eureka City Survey, thence South 24° 56' East 200 feet, thence South 71° 39' West 100 feet, thence South 24° 56' East 140 feet, thence North 71° 39' East 50 feet thence North 24° 56' West 100 feet, thence North 71° 00' East 150 feet, thence South 24° 56' East 100 feet, thence South 71° 39' West 85 feet, thence South 24° 56' East 100 feet, thence South 71° 00' West 57.50 feet, thence South 24° 50' East 100 feet, thence South 69° 53' 43" West 50 feet, thence South 24° 56' East 71.80 feet, more or less, to the place of beginning. Less and excepting the following: A strip of Land 50 feet wide, being 25 feet wide on each side of the center line of the Eagle and Blue Bell spur track (so noted in Entry No. 150320, Book 261, Page 482).
	Lot 5, Blk 2 Plat "D"	P.O. Box 3	Gary	Roberts	Eureka	UT	84628	(435) 433-2054/ Cell: 801 361-9706	



Legend

- Properties to be Acquired
- Operable Unit Boundary
- Limits of Construction
- Roads to be Constructed

Eureka Mills Site, Eureka, UT

HDR

Scale: 0 500 Feet

ATTACHMENT C

Eureka City Corporation
15 North Church Street
P.O. Box 156
Eureka Utah, 84628

July 24th 2003

Ph. (435) 433-6915
Fax (435) 433-6891

Dale Vodehnal, Director
Superfund Remedial Response Program
Office of Ecosystems Protection and Remediation
Mail Code 8EAR-SR
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, Co. 80202

RE: Acquisition of Real Estate

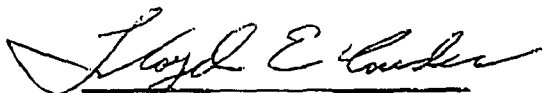
Dear Mr. Vodehnal:

As you know, the United States Environmental Protection Agency (EPA) has asked the City of Eureka, Juab County, State of Utah to accept transfer of three parcels of real estate from the EPA to assist with the implementation of the remedial action at the Eureka Mills Superfund Site. On behalf of the City of Eureka, Utah, I am writing to inform you that the City agrees to accept transfer of these three parcels within the boundrys of the City limits.

By letter dated July 10 2003, Michael Risner, Director of the EPA Region 8 Legal Enforcement program, identified 3 parcels of property in Eureka that EPA needs to acquire in order to implement the remedial action. EPA, proposed to transfer title to these parcels to the City of Eureka following completion of the remedial action.

The City agreement to accept these three properties is based in part on the understanding that, pursuant to CERCLA Section 104(j)(3), the City shall not be liable for Superfund response costs associated with these properties solely as a result of acquiring the properties. The City also understands that EPA has ordered the Atlantic Richfield Company (ARCO) to perform remedial action long term operation and maintenance on these properties and that Arco is complying with EPA's order.

EPA will at cost to them with legal personnel come to Eureka to fully cover and explain all aspects of the CERCLA Section 104(j)(3), referenced in Paragraph 3 above.



Lloyd E. Conder
Mayor Eureka City Corporation